

REMARKS

Claims 1-35 are pending in the present Application. Claims 6, 12, 13, and 22 have been canceled, claims 1 23, and 24 have been amended, and claims 36-38 have been added, leaving Claims 1-5, 7-11, and 14-38 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors. Specifically the Specification has been amended to consistently use the term “flame retardant”. Previously the terms “flame retardant” and “fire retardant” were used interchangeably.

Claim 1 has been amended to include the limitations of Claims 6, 12, and 13 as well as to further specify the amount of the flame retardant . Support for this amendment can at least be found in claims 6, 12, and 13 as originally filed as well as in Paragraph [0023] as originally filed.

Claims 22, 23, and 24 have been amended to consistently use “flame retardant” as opposed to “fire retardant”.

Claims 36-38 have been added. Support for these new claims can at least be found in claims 1, 19, and 20 as originally filed as well as in Paragraph [0022] as originally filed.

No new matter has been introduced by these amendments or new claims. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Allowable Subject Matter

Applicant wish to thank the Examiner for the indication of allowability for claims 10, 19, 20, 23, 28, and 33-35.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-9, 11-18, 21, 22, 24-27, and 29-32 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No. 2003/0181573 to Miyatake, et al. (Miyatake) in view of General Electric EP 0 900 827 (827). Applicants respectfully traverse this rejection.

Miyatake discloses a composition comprising a polycarbonate resin, a polyorganosiloxane containing graft copolymer, flouroresin, and antioxidant. (Abstract) The composition may further comprise an impact modifier and flame retardant. ([0104]) Preferred flame retardants

include sodium alkylbenzenesulfonate, dipotassium diphenylsulfide-4,4'-disulfonate, potassium benzene sulfonate and potassium diphenylsulfonesulfonate. ([0105]) Miyatake does not disclose how much of the sulfonate flame retardants are used.

827 discloses a composition comprising a polycarbonate and an impact modifier. The impact modifier is free of alkali materials and preferably has a pH of about 3 to about 8. 827 does not teach the use of flame retardants.

Applicants respectfully assert that Claim 1 and its dependent claims are not obvious as neither of the references teach the claimed amounts of the required components. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicants also assert that Claim 24 and its dependents are not obvious as neither of the references teach adjusting the pH of the impact modifier to a value of about 3 to about 7. While 827 discloses using an impact modifier with a pH in this range it is clear from the teachings of 827 that the impact modifier is made to achieve the desired pH and the pH does not have to be adjusted to achieve the pH. Miyatake is silent with regard to the pH of the impact modifier.

Reconsideration and withdrawal of the rejection is respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the objection(s) and rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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